

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14618 of William and Heidi Maloni, pursuant to Paragraph 8207.11 (3107.2, 11 DCMR) of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1, 404.1, 11 DCMR) to allow an addition to a single family dwelling in an R-1-B District at premises 5818 Chevy Chase Parkway, N.W., (Square 1864, Lot 64).

HEARING DATE: June 24, 1987

DECISION DATE: June 24, 1987(Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 5818 Chevy Chase Parkway, N.W., is located on the south site of Chevy Chase Parkway at its merger with Patterson Street, one block east of Connecticut Avenue. The site is located in an R-1-B District.

2. The site is irregularly shaped with a frontage of 50 feet along Chevy Chase Parkway. It has a lot area of 4,449 square feet. A 15 foot wide public is adjacent to the site on the east and south.

3. The R-1-B District extends in all directions from the site. A large church and accessory buildings are located three blocks west of the site. Single-family detached homes are located on the lots to the east, west and south of the site.

4. Pursuant to Paragraph 8207.11 of the Zoning Regulation's the Applicants are seeking a variance from the rear yard requirements to allow the construction of a two and one half story addition to the rear of the structure.

5. The addition will consist of a family room on the first floor and a bedroom and bath on the second floor. The addition will extend approximately ten feet into the rear yard.

6. The Applicants have resided at the dwelling for 15 years. The addition is intended to accommodate the Applicants' expanding family.

7. The structure is set back a minimum of ten feet from the building restriction line at the front of the property.

8. By letter dated June 5, 1987 Advisory Neighborhood Commission 3G reported that it voted to support the application.

9. Numerous neighbors of the site submitted a petition in support of the application to the record.

10. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the Applicants are seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.


Sub-section 3304.1 of Zoning Regulations require a rear yard with a minimum depth of 25 feet for the R-1-B District. The proposed addition will result in a rear yard with an average of approximately 18 feet necessitating a variance of 6.73 feet. The Board concludes that the Applicants have met the burden of proof. The addition is located in the most reasonable position on the site. It would not be functional if it were located at the front of the structure where there is sufficient buildable area to accommodate it. The Board notes that the site is unique in that it is irregularly shaped and a public alley is located to its east side and rear. The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.

Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 4 of the record.

VOTE: 3-0 (William F. McIntosh, Paula L. Jewell and Charles R. Norris to grant; Carrie L. Thornhill not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director  
Zoning Secretariat

FINAL DATE OF ORDER: SEP 15 1987

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

order14618/DEE2